

California Forestry Association

1215 K Street, Suite 1830
Sacramento, CA 95814
(916) 444-6592, fax (916) 444-0170
www.foresthealth.org -- cfa@foresthealth.org

February 16, 2010

Central Valley Regional Water Quality Control Board
Timber Harvest Unit
415 Knollcrest Drive, Suite 100
Redding, CA 96002
Phone #: 530-224-4845
Fax #: 530-224-4857
E-mail: awilson@waterboards.ca.gov

Subject: Notice of Intent to Renew Resolution R5-2005-0052 ORDER NO. R5 2010
Conditional Waiver of Waste Discharge Requirements For Dischargers related to Timber
Harvest Activities (Waiver) – February 16, 2010 submittal deadline

Dear Board Members:

On behalf of the California Forestry Association (CFA), I would like to express our support for the renewal of the conditional waiver of discharge related to timber harvest activities, but must strongly opposes additional fees. We believe timber harvest activities do not pose a significant threat to water quality, as multiple Best Management Practices (BMP's) are incorporated into existing Forest Practice Rules. Additionally, the Board of Forestry recently adopted new Anadromous Salmonid Protection rules that increase protections for riparian systems.

Moreover, the Forest Practice Act and timber harvesting plans (THPs) provide the functional equivalent of a full multi-disciplinary environmental review of an EIR pursuant to CEQA, wherein regional board PY for THP review are already funded via allocations from the State Water Board. Our member's Professional Foresters, with their natural resource specialists, have been preparing THPs in California since 1973, and have ultimate criminal, civil, and administrative liability for their accuracy.

The forest industry in California is now suffering from the worst depression in modern times. Just as damaging to the survival of the industry is the high cost of doing business in California. Compliance with state mandated regulations impose much higher costs on California businesses that our competitors face in other states or countries. As the regulatory cost in California continues to increase, more and more businesses will be forced to relocate out of California or simply close their doors.

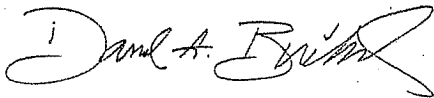
Landowners must conduct timber harvesting using BMP's under strict guidelines set forth in the California Forest Practice Rules. Those rules include a 1 to 3 year erosion control maintenance period following completion of harvesting. Additionally, conditional waivers require landowners to report all field implementation, to conduct effectiveness and forensic monitoring, to take any corrective actions if needed, and to report all corrective actions directly to regional water quality control boards, until a Notice of Termination is filed. This is another large hidden cost to landowners not recognized in the conditional waiver process. This required reporting is essentially a fee that landowners incur to comply with the waiver requirements.

The regulatory costs in California have already forced many landowners out of long-term forest management and into more intensive ventures such as subdivision and development. The proposed fee will be another significant disincentive to further long-term investment in maintaining California's forests.

As professional land managers, we strive to care for the public trust resource values which include water quality and quantity. Our field practices, research and monitoring help us understand and achieve this goal.

For these reasons we encourage the Board to adopt the waiver renewal Resolution ORDER NO. R5 2010, and to replace R5-2005-0052 without fees attached.

Sincerely,

A handwritten signature in dark ink, appearing to read "David A. Bischel". The signature is fluid and cursive, with a large initial "D" and "B".

David Bischel
President

From: "Sophia Runne" <sophiar@foresthealth.org>
To: <awilson@waterboards.ca.gov>
Date: 2/16/2010 10:01 AM
Subject: Comments
Attachments: February 16.pdf

Sophia Runne

Executive Assistant

California Forestry Association

1215 K Street, Suite 1830

Sacramento, CA 95814

(916) 444-6592, fax (916) 444-0170

sophiar@foresthealth.org